

The indictment charged that in pursuance of the conspiracy and to effect the objects thereof the Wecoline Products, Inc., on or about November 14, 1935, purchased and took delivery of 38 empty olive oil drums embossed "Made in Germany Pure Olive Oil CEE"; that Setrak Kalustian on or about August 6, 1935, delivered or caused to be delivered to Antonio Accardi at Boston, Mass., one drum of tea-seed oil under the brand "X-50 oil"; that Antonio Accardi on or about November 8, 1935, shipped from Boston, Mass., to Portland, Maine, five cases, each containing six gallon cans of a product labeled in part, (front and back panels) "Pure Olio Vergine D'Oliiva Lola Brand [designs] Lucca Italy Olio Pure d'Oliiva Sublime," (side panels, one in English and the other containing similar statements in Italian) "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated oil or oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law. A. Accardi Distributor"; (in large type across face of can) "Extra I"; (top of can) "Imported from Italy," which product was adulterated in violation of the Food and Drugs Act in that tea-seed oil had been substituted in part for olive oil, which the article purported to be; that James Goltsos, on or about November 10, 1935, received at Providence, R. I., two drums of tea-seed oil under the brand "Wecoline Oil" from Wecoline Products, Inc.; that Paul B. Booras on or about September 14, 1936, purchased and arranged for the shipment and acceptance of 10 drums of tea-seed oil under the brand "Wecoline Oil" from Wecoline Products, Inc.; that Nicholas Alessi, on or about October 1, 1935, solicited an order for the purchase of tea-seed oil under the brand "Wecoline Oil"; that Ernest F. Drew, on or about October 12, 1935, sold and arranged for the shipment of 25 drums of tea-seed oil under the brand "Wecoline Oil" to Cosmos Food Stores, Inc., at Lynn, Mass.; that E. Lionel Parrott on or about November 25, 1935, sold and arranged for shipment and delivery of 15 drums of tea-seed oil under the brand "Wecoline Oil" to Cosmos Food Stores, Inc. at Lynn, Mass.

On August 24, 1937, Setrak Kalustian entered a plea of guilty and was fined \$1,000. On September 13, 1937, Nicholas Alessi entered a plea of guilty and was fined \$1,000, and on the same date nolle prosequi was entered as to Wecoline Products, Inc., Ernest F. Drew, E. Lionel Parrott, and Albert J. Knox. On September 28, 1937, Paul B. Booras having theretofore entered a plea of guilty, was sentenced to imprisonment for 1 year and a day. The sentence of defendant Booras was suspended and he was placed on probation for 1 year. On October 8, 1937, nolle prosequi was entered as to Antonio Accardi and James Goltsos.

M. L. WILSON, *Acting Secretary of Agriculture.*

27650. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Portion of product condemned and destroyed. Remainder released.
(F. & D. No. 39196. Sample No. 21728-C.)

This product was in part decomposed.

On March 16, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of canned salmon at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by Wesco Foods Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "North Bay Brand Pink Salmon Distributed by Wesco Foods Co. General Offices Cincinnati, Ohio."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 19, 1937, the Ocean Packing Co., Seattle, Wash., claimant, having petitioned the court for permission to open the cases and segregate the cans according to codes, an order was entered granting such petition. On August 16, 1937, the claimant having filed an answer admitting the allegations of the libel insofar as certain codes were concerned, judgment was entered condemning and ordering destruction of said codes, which embraced 227 cases and 37 cans of the product. The remainder was ordered released.

M. L. WILSON, *Acting Secretary of Agriculture.*